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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,951	12/08/2003	Kouichi Sugiyama	00862.023356.	9003

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EXAMINER	
THOMAS, ASHISH	
ART UNIT	PAPER NUMBER
2625	
MAIL DATE	DELIVERY MODE
03/23/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/728,951	SUGIYAMA, KOUICHI	
	Examiner	Art Unit	
	ASHISH K. THOMAS	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 January 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,7,8,10-13,15 and 17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,7,8,10-13,15 and 17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the independent claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 7, 8, and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer(U.S. 6,373,588) in view of Noda(U.S. 6,267,517).

Regarding claim 1, Fischer teaches a method of controlling printing in an information processing apparatus(**Host 45 in figure 1**) communicating with a printing apparatus(**Printer 10 in figure 1**), comprising: a first generation step of generating combination print data by combining each print data included in a plurality of print jobs before outputting the plurality of print jobs to the printing apparatus(**Figure 5, step 325 teaches a "multiple copy operation" that combines all the copies. Note that the Examiner is equating one copy to one print job; accordingly, the combination of a plurality of copies read on combining a plurality of print jobs.**), the plurality of print jobs including print data for printing pages of a document and banner print data for banner printing(**Figure 5, step 330 illustrates that the print data consists of banner print data as well.);** and a third generation step of generating a print job including the

combination print data generated in the first generation step and banner print data, such that the banner print data is printed on a sheet and each banner print data included in the plurality of prints jobs is not printed on the sheet. (**Column 10, lines 13-25 teaches a step wherein only one banner sheet is outputted for the combined multiple copy print job. A banner sheet is not outputted for each copy. This reads on the third generation step**)

The Fischer reference teaches generating one banner sheet for a combined set of copies before the actual printing. But it is silent on a second generation step for generating a **new** banner data for the combined print data.

Noda, on the other hand, discloses the generation of a new banner data for a set of jobs. (**Column 5, lines 25-45 teaches the creation of a banner sheet for a set of jobs from the same user. This is an example of generating a new banner print data. Although the banner data is generated after the jobs are outputted, note that Noda is used simply to illustrate the generation of a new banner data.**)

Therefore, it would have been obvious for one of ordinary skill in the art, at the time of the present invention, to modify Fischer with Noda to fully put forth the method claimed in claim 1.

The motivation behind this modification is that a new banner data will correctly identify the combined job.

Regarding claims 2 and 11, Fischer further teaches that combination data is generated by disabling data execution of banner printing included in the plurality of print jobs. (**Column 10, lines 13-25 teaches that banner sheet is not outputted for each**

copy, rather only for the combined print job. This is an example of disabling banner data printing for each of the plurality of print jobs.)

Regarding claims 3 and 12, Fischer teaches setting layout information on a number of pages laid out on a print sheet for the single print job. (**Column 2, lines 43-48 teaches page settings with respect to the document portion of the print job.**) Fischer also teaches that the layout information is applied to the combination print data without being applied to the banner print data, and the single print job is outputted to the printing apparatus in the output step. (**Column 2, lines 48-51 teaches that the layout information of the banner page is independent of the rest of the print data. Figure 4 teaches that the printer 10 outputs the combined job data.**)

Regarding claim 7, Fischer teaches an information processing apparatus(**Host 45 in figure 1**) communicating with a printing apparatus(**Printer 10 in figure 1**), comprising: a first generation unit adapted to generate combination print data by combining each print data included in a plurality of print jobs before outputting the plurality of print jobs to the printing apparatus(**Figure 5, step 325 teaches a "multiple copy operation" that combines all the copies. Note that the Examiner is equating one copy to one print job; accordingly, the combination of a plurality of copies read on combining a plurality of print jobs. The step of combining the print data implies the existence of the first generation unit.**), the plurality of print jobs including print data for printing pages of a document and banner print data for banner printing(**Figure 5, step 330 illustrates that the print data consists of banner print data as well.**); and a third generation unit of generating a print job including the

combination print data generated in the first generation step and banner print data, such that the banner print data is printed on a sheet and each banner print data included in the plurality of prints jobs is not printed on the sheet. (**Column 10, lines 13-25 teaches a step wherein only one banner sheet is outputted for the combined multiple copy print job. A banner sheet is not outputted for each copy. This teaches the existence of the third generation unit.**)

The Fischer reference teaches generating one banner sheet for a combined set of copies before the actual printing. But it is silent on a second generation unit for generating a **new** banner data for the combined print data.

Noda, on the other hand, discloses the generation of a new banner data for a set of jobs. (**Column 5, lines 25-45 teaches the creation of a banner sheet for a set of jobs from the same user. This is an example of generating a new banner print data. Although the banner data is generated after the jobs are outputted, note that Noda is used simply to illustrate the generation of a new banner data.**)

Therefore, it would have been obvious for one of ordinary skill in the art, at the time of the present invention, to modify Fischer with Noda to fully put forth the apparatus claimed in claim 7.

The motivation behind this modification is that a new banner data will correctly identify the combined job.

Regarding claim 8, Fischer teaches a computer-readable storage medium storing a computer-executable program for causing a computer to implement the printing control method. (**Column 3, lines 45-55**)

Regarding claims 10 and 13, Fischer teaches that banner print data is data indicating designation of banner printing or banner pages. (**Column 1, lines 15-25 details some examples of banner print data that is printed.**)

3. Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer(U.S. 6,373,588) in view of Noda(U.S. 6,267,517) and further in view of well known art(official notice).

Regarding claim 15 and 17, the combination of Fischer and Noda teaches the subject matter claimed in the respective base claims. Fischer further teaches that user data such as the name of the user is included in the banner sheet(**column 1, lines 15-25**).

But Fischer and Noda fail to teach that a print time is also included in the banner sheet.

The Examiner takes official notice in stating incorporating the print time in a banner sheet is a well known concept.

Therefore, it would have been obvious for one of ordinary skill in the art, at the time of the present invention, to modify Noda and Fischer with well known prior art to fully put forth the subject matter claimed in claims 15 and 17.

The motivation behind this modification is to provide a banner sheet with detailed information so that the user can easily distinguish the printed jobs.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See

MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHISH K. THOMAS whose telephone number is (571)272-0631. The examiner can normally be reached on Mon-Fri from 0700-1530 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ashish K Thomas/
Examiner, Art Unit 2625

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625